

Remarks

The examiner's reconsideration of the application is urged in view of the amendments above and comments which follow.

In the office action, the examiner has cited new prior art when rejecting the claims, with the exception of claim 17, which has indicated to be allowable. While the indicated allowability of claim 17 is most gratefully acknowledged, it is submitted that the claims, as amended, distinguish from and are allowable over the prior art, as explained in greater detail below.

Claim 11, has been amended in three respects. First, the chest is now indicated as being movable. Second, the chest is indicated as not only being for distributing food, but also displaying food. Third, the supports are now indicated as being eccentrically moveable.

Taking each of the changes in turn, the first amendment, to identify the chest as movable, is supported throughout the specification, for example, in the drawings where casters are illustrated, and also described in the specification as, for example, at page 2, lines 12 and 13 of the translation.

Regarding the amendment to include "and displaying", this also is supported throughout the specification, such as at the first paragraph of page 1 of the translation. The chest of the present application allows the food to be displayed so that guests at a party or reception can see at a glance the varieties of foods that are to be served, and can make their choices and take what is desired. As explained at page 4 of the translation, when the supports are disposed helically around the strut and offset from one another, no support is directly masked by another overlying it, and the contents are thus readily seen.

The third and final change to claim 11 to define eccentricity is supported by Figure 2. Every support is pivotally fixed to the mast so that the displaying function described in the

paragraph immediately above can be accomplished.

In the office action, the examiner has first rejected independent claim 11, and depending claims 13, 14, 18 and 19 under 35 U.S.C. §102 as being anticipated by Ball U.S. Patent Number 2,463,506. Reconsideration is requested.

Ball discloses a cabinet, which is therefore a fixed device. In Ball, the cabinet must be mounted at least at a level so that the shelves can be pulled outwardly (column 2, lines 44 - 45). The device of Ball is therefore not moveable or portable, and it is very unlikely that such a cabinet would be suitable for displaying food at parties or receptions. Furthermore, in Ball the supports are not eccentrically moveable as in the present application, so that there is restricted viewing of food by shelves above.

It is therefore submitted that the claims, as amended, distinguish from Ball.

The examiner has also rejected independent claim 11, and dependent claims 12, 13, 16 and 18 - 20 under 35 U.S.C. §103 as being unpatentable over Bugenhagen U.S. Patent Number 2,563,208 in view of Hoffmann U.S. Patent Number 3,531,169. Reconsideration is also requested.

Bugenhagen is directed to a refrigerator that does have a central mast. As shown in figures 1 - 3, 6, 8 and 9, the center of rotation of the storage shelves of Bugenhagen coincides with the masts. Thus, it is not possible to place the shelves offset from one another so that an upper shelf does not mask what is on the shelf below it.

Hoffmann is directed to a movable food service cart, but is designed so that only one tray at a time is reachable, with the other trays remaining inside the cart. See, for example, column 1, lines 70 - 71 and column 6, lines 14 - 23. Thus, Hoffmann teaches directly the opposite of the present invention, in that Hoffmann only teaches a single display, whereas the invention of the

present application teaches the offset display of items on all of the supports.

Furthermore, the structures of Hoffmann and Bugenhagen are quite different. Bugenhagen has a centrally pivotally mast, whereas Hoffmann has trays that are removed, one at a time. Thus, combining of the teachings of the two references would not be possible or obvious to one of ordinary skill in the art, and even if the teachings could somehow be combined, the structure of the present application, where the supports are eccentrically movable and thus one does not mask what is below it, would not occur.

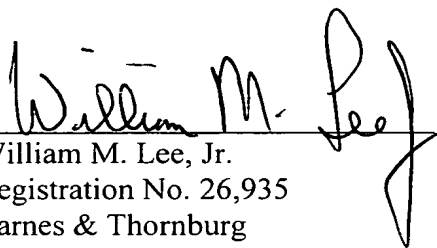
Thus, it is submitted that claim 11 is also allowable over Bugenhagen and Hoffman, whether taken alone or even if their teachings could, in some manner, be combined.

The remaining claims depend from claim 11, and are submitted to be allowable, as well. While the indicated allowability of claim 17, is, again, gratefully acknowledged, with the amendments above and comments directed to the prior art, it is submitted that all claims are now in condition for allowance, and the examiner's further and favorable reconsideration in that regard is urged.

As this response is being sent during the fourth month following the examiner's office action, an appropriate petition for extension of time is also submitted herewith.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", with a stylized flourish at the end.

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